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*Attorneys for Defendant Del Monte Foods,
Inc.*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

Kerstine Bryan, individually and on behalf of all
others similarly situated,

Plaintiff,

vs.

Del Monte Foods, Inc.,

Defendant.

Case No. 23-cv-00865-MMC
Hearing: 10/20/2023 at 9:00AM

**DECLARATION OF ERIK K. SWANHOLT IN
SUPPORT OF DEFENDANT DEL MONTE
FOODS, INC. MOTION TO DISMISS
PLAINTIFF'S AMENDED COMPLAINT**

*(Filed concurrently with Motion to Dismiss
Plaintiffs' Complaint and [Proposed] Order
Granting Motion to Dismiss)*

Judge: Hon. Maxine M. Chesney

DECLARATION OF ERIK K. SWANHOLT

I, Erik K. Swanholt, hereby declare as follows:

1. I am partner with the firm Foley & Lardner LLP, counsel for Del Monte Foods, Inc. (“Del Monte”) in this action. Unless stated otherwise, I have personal knowledge of each of the facts set forth below, and if called to testify, could and would testify competently thereto. I submit this declaration in support of Del Monte’s concurrently filed Motion to Dismiss Plaintiff’s Amended Class Action Complaint(“Complaint”).

2. On information and belief, attached as **Exhibit A** to Memorandum of Points and Authorities filed concurrently herewith is a true and correct copy of an image of the back of the product label for Del Monte’s Peach Chunks.

3. On information and belief, attached as **Exhibit B** to Memorandum of Points and Authorities filed concurrently herewith is a true and correct copy of an image of the back of the product label for Del Monte’s Mango Chunks.

I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct.

Executed on Sept 8, 2023, at Los Angeles, California.

/s/ Erik K. Swanholt

Erik K. Swanholt

Attorneys for Defendant Del Monte Foods, Inc.